REMARKS/ARGUMENTS

The rejections presented in the Office Action dated May 23, 2008, (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant notes that the Office Action is again silent with respect to Claims 8 and 10. As these claims have not been rejected, Applicant assumes that they are in condition for allowance and requests that they be identified as being allowed. If this assumption is incorrect, Applicant requests clarification and an opportunity to respond.

With respect to the § 101 rejection of Claim 12, Applicant respectfully traverses. The Office Action asserts that because the Specification suggests that the claimed invention may be implemented using software, the claimed apparatus would be considered software per se. However, the cited portion of the Specification states that "It is also possible to use hardware solutions or a combination of hardware and software solutions to implement the inventive means." Such a statement does not suggest that an apparatus as claimed may be merely an interrelationship of software components but rather, that the implementation includes some combination of hardware. Moreover, Claim 12 is a means-plus-function claim. According to 35 U.S.C. § 112, sixth paragraph, a claim limitation expressed in means-plus-function language "shall be construed to cover the corresponding structure described in the specification and equivalents thereof." Thus, the apparatus described in Claim 12 is directed to at least one of a machine, manufacture, or composition of matter, and thus is directed to statutory subject matter. Applicant accordingly requests that the rejection be withdrawn.

The traversals of each of the prior art rejections, which are each based upon the teachings of U.S. Patent No. 6,253,254 to Erlenkoetter *et al.* (hereinafter "Erlenkoetter"), are respectfully maintained. Erlenkoetter does not teach or suggest coding at least part of the content of a predetermined data element of a management object using a predetermined coding algorithm, as claimed in each of the independent claims. First, the asserted alignment of the teachings of Erlenkoetter is inconsistent and fails to provide

correspondence to the claimed limitations. In order to better illustrate the misalignment, the claimed limitations (using, for example, Claim 1) and the asserted alignment in the Office Action is shown in the table below.

Limitations of Applicant's Claim 1	Asserted Alignment with Erlenkoetter
a predetermined data element	object attribute (at page 3)
content of a predetermined data element	name of an object (at page 6)
identifier for a management object being a coded form of at least part of the content of the data element	URL for object 402 (at page 3)

Since Erlenkoetter's objects may include attributes as leaf nodes, the name of an object would not be content of an object attribute. Rather, attributes have properties such as name, value, access mode, and data type (column 6, lines 9-10). Also, the asserted URL at line 51 of column 6 does not include any form, coded or otherwise, of an object attribute (the asserted data element). Thus, the asserted alignment of Erlenkoetter is misplaced.

Second, even if the asserted object attribute of Erlenkoetter were to correspond to the claimed predetermined data element, Erlenkoetter does not teach coding the content of the attribute, as claimed. Specifically, the asserted organization of an object into a directed tree fails to correspond to the claimed coding of content of a predetermined data element retrieved from information in a management object. Since Erlenkoetter does not describe how the tree is structured, the tree could be initially organized simply by placing objects in order of reception. Regardless, the initial positioning of objects into a tree structure fails to correspond to coding of content of a data element into an identifier for the management object, which is the management object from which the content for coding was retrieved.

Moreover, the asserted use of a name of an object as it is organized in a tree structure (*e.g.*, asserted URL) fails to correspond to the claimed assigning of coded content as an identifier for a management object. Each of the independent claims requires that the

coded content of a retrieved data element is assigned as an identifier of the management object from which the content was retrieved. Thus, the asserted creation of a tree with nodes and leaves fails to provide correspondence to the claimed assigning of an identifier for a single management object, *e.g.*, a leaf in a management tree. Contrary to the asserted tree structure, Erlenkoetter teaches at column 5, lines 63-64 that each hypermedia object is identified by a path name pointing to a location of the object in the management tree.

In summary, Erlenkoetter fails to teach coding content of a retrieved predetermined data element and assigning the coded content as an identifier for the management object from which the data element was retrieved. The reliance on Erlenkoetter's organization of objects into a tree structure is misplaced and fails to correspond to the claimed invention. Without a presentation of correspondence to each of the claimed limitations, the rejections are improper.

With particular respect to the § 102(b) rejection, Applicant notes that to anticipate a claim the asserted reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully submits that Erlenkoetter does not teach every element of at least independent Claims 1, 6, 7, 9, 11, and 12 in the requisite detail and therefore fails to anticipate Claims 1, 6, 7, 9, 11, and 12. Applicant accordingly requests that the § 102(b) rejection be withdrawn.

With respect to the § 103(a) rejections of dependent claims 2-5, Applicant further traverses because the reliance on the further asserted teachings fails to overcome the above-discussed deficiencies in the teachings of Erlenkoetter. For example, none of the other asserted teachings have been shown to teach coding data element content as claimed. As

none of the asserted references teaches or suggests at least these claim limitations, any combination of these teachings must also fail to teach such limitations. Thus, the § 103(a) rejections of dependent Claims 2-5 is also improper. Applicant accordingly requests that each of the rejections be withdrawn.

Applicant further traverses the § 103(a) rejection of Claims 2 and 3 because the asserted modification of Erlenkoetter is unsupported. Erlenkoetter is directed to management of hyper media objects but makes no mention of device management or synchronization between a client and a server device. Notably, Erlenkoetter does not use the terms "client" or "synchronize". Thus, the assertion that a skilled artisan would modify Erlenkoetter to employ SyncML device management protocol is unsupported and illogical. Without a presentation of reasoning based on a rational underpinning, the asserted modification of Erlenkoetter is unsupported and the rejection is improper. Applicant accordingly requests that the rejection be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.050PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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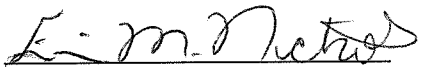
By: 

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